

Section two, line one, strike out "ten," and insert "seven."

Section two, line two, strike out "eight" and insert "fifteen."

Section nine, line twelve, strike out "four weeks," and insert "three months."

Section eleven, line five, after the word "work," insert the following: "There shall be printed for the use of the Comptroller, Land Office, Supreme Court, and such other departments as may require them, all blanks, certificates, and such other miscellaneous printing as may be required, which is not provided for in this act, and such printing shall be paid for at such rates as is usually charged for such work when done for individuals, and it shall be the duty of the Comptroller to examine all accounts for printing done under the provisions of this section, and to allow only such rates as are equitable and just."

J. E. DILLARD, Chairman.

WM. SWIFT,

SAMUEL EVANS.

On motion of Senator Hall, the Senate adjourned to 10 o'clock A. M. to-morrow.

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SENATE CHAMBER,  
AUSTIN, TEXAS, February 1, 1873. )

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Rev. Dr. Dodge.

On motion of Senator Flanagan the Senate adjourned to 10 o'clock A. M. Monday.

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SENATE CHAMBER,  
AUSTIN, TEXAS, February 3, 1873. )

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the Rev. Dr. Dodge.

Journal of Friday and Saturday read and adopted.

Senator Sayers presented the petition of Wm. Carey Crane and others, relative to the establishment of a com-



mon school system, which was referred to Committee on Education.

On motion of Senator Pyle, the sergeant-at-arms was excused for non-attendance to-day.

Senator Swift presented the petition of L. E. Griffith, for relief. Read and referred to Committee on Private Land Claims.

Senator Shelley presented the petition of A. H. Cook, asking adjustment and settlement of his claim against the State. Read and referred to Committee on Claims and Accounts.

Message from the House informed the Senate of the passage by that body of the following concurrent resolutions:

Repealing concurrent resolution of May 13, 1870, fixing mileage of members.

Assuring payment of public school teachers heretofore employed.

Chairman of Committee on Engrossed Bills made the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Engrossed Bills have examined the following bills and find them correctly engrossed:

Senate bill No. 33, "An act amendatory of and supplemental to an act entitled an act amendatory of and supplemental to an act entitled an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company, passed September 1, 1856, passed December 24, 1859, which act changed the name of said company to the Texas and New Orleans Railroad Company."

Senate bill No. 49, "An act supplementary and amendatory to an act entitled an act to incorporate the Galveston Medical College Hospital, approved May 31, 1871."

Senate bill No. 23, "An act to amend an act entitled an act to incorporate the city of Tyler, and to provide for the administration of its municipal affairs, approved April 26, 1871."

J. D. SAYERS, Chairman.

Committee on Enrolled Bills made the following report:

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined Senate bill No. 2, entitled "An act to repeal an act entitled an act to provide for the enrollment of the militia, the organization



and discipline of the State guards, and for the public defense, approved June 24, 1870," and find it correctly enrolled.

H. R. LATIMER, Chairman.

Committee on Public Lands made the following report:  
*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Public Lands, to whom was referred Senate bill No. 28, entitled "An act to regulate pre-emption settlers on the public lands of the State of Texas," have carefully examined the same, and recommend in lieu thereof the adoption of the accompanying substitute bills, entitled respectively, "An act to regulate the disposal of the public lands of the State of Texas," and "An act for the benefit of actual occupants of the public lands."

J. D. SAYERS, Chairman.

Judiciary Committee No. 1 made the following reports:  
*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Judiciary No. 1, to whom was referred House bill No. 32, entitled "An act to repeal certain sections of an act entitled an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870," having had the same under careful consideration ask leave to report it back to the Senate and recommend its passage.

JNO. L. HENRY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Judiciary No. 1, to whom was referred Senate bill No. 12, entitled "An act to amend section one of an act entitled an act to provide for appeals from interlocutory judgments in the district courts of the State, approved November 1, 1871," having had the same under careful consideration, instruct me to report back the accompanying bill as a substitute therefor, and recommend its passage.

JOHN L. HENRY, Chairman.

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on Judiciary No. 1, to whom was referred a memorial of E. H. Cushing, remonstrating against requiring firemen to perform jury service, instruct me to report the same back, with the recommendation that it be referred to Judiciary Committee No. 2, which has this subject already under consideration.

JOHN L. HENRY, Chairman.

The Committee on State Affairs made the following reports:



*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 43, "An act regulating hours of labor," having maturely considered the same, deem it inexpedient to legislate upon the subject. I am therefore instructed to report the same back to the Senate, with the recommendation that it do not pass.

GEO. P. FINLAY, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred Senate joint resolution No. 7, regarding the soldiers who fell at Glorietta, near Santa Fe, New Mexico, having carefully considered the same, I am instructed to report back to the Senate the accompanying substitute with the recommendation that it do pass.

GEO. P. FINLAY, Chairman *pro tem.*

*Hon. E. B. Pickett, President of the Senate:*

SIR: Your Committee on State Affairs, to whom was referred a petition of certain citizens of Red Rock, in Bastrop county, in regard to the sale of ardent spirits within a mile of the Male and Female Academy, have carefully considered the same, and I am instructed to report back to the Senate the accompanying bill with the recommendation that it do pass.

GEO. P. FINLAY, Chairman *pro tem.*

Senator Shelley introduced a joint resolution in relation to the estate of Charles Kammer, deceased. Read first time, and referred to Judiciary Committee No. 2.

Senator Shelley introduced a bill to be entitled "An act for the relief of A. H. Cook." Read first time, and referred to the Committee on Finance.

Senator Broughton offered the following resolution, which was read and adopted:

*Resolved*, That the Committee on Private Land Claims, the Committee on Penitentiary, the Committee on Stock and Stock Raising, and the Committee on Agriculture, be allowed one clerk, jointly.

The following message was received from his Excellency the Governor, which was read and referred to Judiciary Committee No 1:

EXECUTIVE OFFICE, STATE OF TEXAS, }  
AUSTIN, January 31, 1873. }

*To the Honorable Senate of the State of Texas:*

GENTLEMEN: I respectfully ask your advice and consent to the following appointments, to-wit:



W. R. Littleton, Notary Public, Bosque county.

T. H. Conklin, Notary Public, Harris county.

Respectfully,

EDMUND J. DAVIS, Governor.

Senator Dohoney offered a concurrent resolution for a joint select committee to consider the propriety of establishing two additional lunatic asylums. Read and passed to the orders of the day.

Senator Dohoney offered the following resolution, which was read and adopted:

*Resolved*, That the Committee on Education be and they are hereby instructed to inquire into the propriety of establishing a State normal school for the education of teachers, and that said committee report to the Senate by bill or otherwise.

Senator Dillard introduced a bill to be entitled "An act to repeal an act entitled an act to amend an act entitled an act to establish a State police, and to provide for the regulation of the same, approved July 1, 1870, approved May 2, 1871." Read first time and referred to the Committee on Militia.

Senator Henry introduced a bill entitled "An act to amend an act entitled an act prescribing the mode of proceeding in district courts in matters of probate, approved November 6, 1871." Read first time and referred to Judiciary Committee No. 1.

Senator Henry introduced a bill entitled "An act to incorporate the Tyler Real Estate and Building Association." Read first time and referred to the Committee on State Affairs.

Senator Swift offered the following resolution, which was read and adopted:

*Resolved*, That the secretary of the Senate is hereby authorized to issue certificates of *per diem* to the porters, pages and committee clerks of the Senate from the date of their actual employment as such.

The hour having arrived, the special order, viz., Senator Saylor's resolution relative to the contest between Wells Thompson and R. P. Tendick, was taken up, and on motion of Senator Shelley, was made special order for to-morrow at 12 o'clock.

The following message was received from his Excellency the Governor, which was read and referred to Committee on Finance:



EXECUTIVE OFFICE, STATE OF TEXAS, }

AUSTIN, February 3, 1873. }

*To the Honorable Senate and House of Representatives  
of the State of Texas :*

GENTLEMEN : I enclose you, at the request of the State Treasurer, copies of communications from the State Treasurer and Attorney General in regard to certain obligations created before the war, and which are thought to require legislative action before they can be paid.

Very respectfully,

EDMUND J. DAVIS, Governor.

Senator Dohoney in the chair.

Senate bill No. 17, "An act to incorporate the Rusk Masonic Institute, located at Rusk, Texas," was read second time and ordered engrossed.

On motion of Senator Dillard, the rules were suspended, the bill read third time and, passed by the following vote :

Yeas—Senators Avinger, Ball, Broughton, Cole, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, King, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Tracy, Word and Mr. President—26

Message from the House informing the Senate of the passage of concurrent resolution concerning election in El Paso and Webb counties received.

By Mr. Shelley: A bill to provide for the execution of deeds of conveyance to purchasers of lands at tax sales in certain cases.

Senate bill No. 35, and substitute, was then read.

On motion of Senator Shelley, Senate bill No. 35, and substitute, was referred to Finance Committee.

Senator Finlay offered the following resolution, which was adopted ;

*Resolved*, That the secretary of the Senate be required to draw his certificate in favor of C. M. Campbell for mileage from his home in Marion county, in traveling to and returning from the Capitol to organize the present Senate ; also for three days' *per diem* in said service.

On motion of Senator Finlay, the Senate resolved itself into committee of the whole on the House printing bill, No. 106.

The committee rose, reported no progress, and asked leave to sit again.

Report adopted.



The hour having arrived for considering the special order, viz., the report of the Committee on Privileges and Elections in the matter of contest between Wells Thompson and R. P. Tendick, was taken up, and on motion of Senator Shelley was postponed until to-morrow at 11 o'clock, A. M., and consolidated with a resolution on the same subject and the special order for same hour.

The Senate again went into committee of the whole, Senator Finlay, chairman.

The committee rose and through its chairman announced ready to report, when the Senate adjourned until 10 o'clock A. M. to-morrow.

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SENATE CHAMBER, )  
AUSTIN, TEXAS, February 4, 1873. )

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

Journal of yesterday read and adopted.

The following message from the Governor was received and read:

EXECUTIVE OFFICE, STATE OF TEXAS, )  
AUSTIN, February 4, 1873. )

*Hon. E. B. Pickett, President of the Senate:*

SIR: I have the honor herewith to return to the Senate, where it originated, the act entitled "An act to repeal an act entitled an act to provide for the enrollment of the militia, the organization and discipline of the State Guards and for the public defense, approved June 24, 1870."

I regret to find myself so far differing from the opinion of the houses concerning this measure that I feel compelled to return the same and ask that it be reconsidered.

This act proposes substantially to abolish the militia system within this State by unqualifiedly repealing the only existing State law we have on that subject. I think it will, on reflection, be apparent that this is beyond the power of the Legislature. Article VII., Section 1, of our State Constitution gives the Governor "power to call forth the militia to execute the laws of the State, to suppress insurrection and repel invasion;" and Article IV., Section 6, declares that "he shall be commander-in-chief of militia of the State." But if the Legislature can abolish